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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

215 Fremont Street
San Francisco, Ca. 94105

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JUN 1 1982

The Honorable Paul M. Calvo
Governor
Territory of Guam
Government House
Agana, Guam 96910

Dear Governor Calvo:

I am pleased to inform you that the Territory of Guam's request under the Comprehensive Environmental, Response, Compensation and Liability Act (CERCLA) for remedial action at the Ordot Landfill has been approved for formal investigation. This approval begins a process which will conclude in the actual removal and disposal of hazardous materials or other appropriate measures to mitigate any threat posed by hazardous materials at the Ordot site (i.e., the remedial action).

The formal investigation will result in a remedial action plan which will provide the necessary guidance and detailed mechanics for implementing the remedial action (e.g., shipping arrangements, obtaining necessary permits, etc.). Because the nature and extent of the hazardous materials threat at Ordot is largely unknown, the formal investigation will be conducted in two phases. The first phase will address itself to containerized waste. The waste will be identified and quantified with appropriate plans prepared for their safe removal and disposal. The second phase will follow the first and will focus on the more complex and difficult task of evaluating any threats posed by uncontainerized waste and developing appropriate plans for mitigating any adverse impacts. We anticipate that the first phase will be straight forward and will not take a great deal of time. Both phases of the remedial action plan will be submitted to you for concurrence.

The process that is mandated under CERCLA requires several commitments by Guam. While we appreciate that some of these commitments are not entirely appropriate to Guam, they are nevertheless mandated by statute and must be accomplished. These items are discussed below.

To the extent that the selected remedial action will require subsequent operations and maintenance (O&M), Guam must pledge to perform such actions. Given the nature of Guam's site, we do not anticipate that any significant O&M requirements will be identified. At this point, we need you to acknowledge that any O&M subsequent to the remedial action is Guam's responsibility. The exact nature of any O&M will be identified in the remedial action plan, which you must concur in before any action is taken and Guam is formally obligated.

Another requirement under CERCLA is that the governor must certify that "off-site" disposal facilities exist for the safe disposal of materials taken from the designated site. In the case of Guam this requirement is not entirely applicable. Part of the formal investigation will be to arrange for off-site disposal, including the acquisition of any necessary permits. Therefore, your concurrence in the remedial action plan, if you choose to concur in it, will be deemed as your assurance that off-site disposal facilities exist. Please advise us if you disagree with this approach to satisfy this requirement.

In view of the often controversial nature surrounding hazardous materials transport and disposal, CERCLA envisions extensive public participation and involvement in remedial actions. Therefore, one of the items that may be included in the formal investigation is the preparation of a plan for community involvement and education. We will rely heavily on your judgment and assistance in preparing this portion of the remedial action plan.

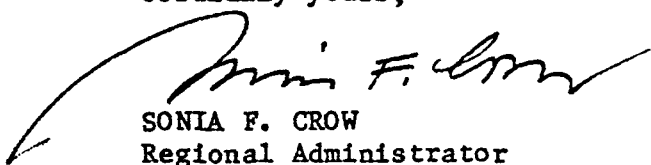
CERCLA also requires local cost sharing in the planning and implementation of remedial actions. We have chosen to waive this requirement under the provisions of Title V of the Omnibus Territories Act (PL95-134).

My staff is preparing a detailed work statement which will be used to prepare the remedial action plan. A draft copy of this statement will be sent to you for review and approval. We expect that your response to this letter and your concurrence in the work statement will be sufficient to proceed with the remedial investigation. However, should a formal agreement spelling out our mutual responsibilities be necessary, we will promptly advise you.

To facilitate close coordination for this project, I request that you designate an individual to serve as Guam's principal contact point for CERCLA activities. Norman Lovelace of our Office of Territorial Programs will serve in this capacity for EPA.

In closing I wish to assure you that my staff and I are committed to the timely and satisfactory conclusion of this project. Please feel free to contact us if you have any questions or concerns.

Cordially yours,



SONIA F. CROW
Regional Administrator

cc: Ricardo C. Duenas, Administrator
Guam Environmental Protection Agency